



Docket No.: 260155US28



ATTORNEYS AT LAW

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No.: 09/995,371  
Applicants: Robert F. CRUICKSHANK III, et al.  
Filing Date: November 26, 2001  
For: NETWORK PERFORMANCE DETERMINING  
Group Art Unit: 2661  
Examiner: Unassigned

SIR:

Attached hereto for filing are the following papers:

**Appointment of Power of Attorney**

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

James J. Kulbaski  
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**22850**

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DOCKET NO.: 260155US28



**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

IN RE APPLICATION OF:

:

ROBERT F. CRUICKSHANK III ET AL. : GROUP ART UNIT: 2661

SERIAL NO: 09/995,371 : EXAMINER: UNKNOWN

FILED: NOVEMBER 26, 2001

:

FOR: NETWORK PERFORMANCE DETERMINING

**APPOINTMENT OF POWER OF ATTORNEY  
AND CERTIFICATION UNDER 37 C.F.R. 3.73(b)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The undersigned representative of BROADBAND MANAGEMENT SOLUTIONS, LLC, owner by virtue of assignment of the above-identified application, hereby appoints practitioners associated with Customer Number

**22850**

as Assignee's attorney with full power of substitution and revocation, to prosecute said patent application, receive any Letters Patent and to take any and all other actions with regard to this patent application and any Letters Patent issuing thereon.

Please recognize or change the correspondence address for the above-identified application to the address associated with Customer Number

22850

CERTIFICATION UNDER 37 C.F.R. 3.73(b)

I, the undersigned, certify that I am an individual empowered to act on behalf of BROADBAND MANAGEMENT SOLUTIONS LLC, a limited liability company, the assignee of the entire right, title and interest of the above-identified application by virtue of an assignment from the inventor, said Assignment having been recorded in the U.S. Patent & Trademark Office at reel no. 015262, frame no. 0479.

**BROADBAND MANAGEMENT  
SOLUTIONS LLC**

Date: 10-28-04

By: 

Name: Joseph E. Zarky

Title: Secretary

(OSMMN 2004)